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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,566	12/22/1999	KENDYL A. ROMAN		6309

7590 12/03/2003  
KENDYL A ROMAN  
730 BANTRY COURT  
SUNNYVALE, CA 940873402

EXAMINER

SENGI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 12/03/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/470,566

Applicant(s)

ROMAN ET AL.

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).
2. The attempt to incorporate subject matter into this application by reference to application 09/312,922 is improper because the reference application 09/312,922 is not related to this application since the oath declaration only claims the benefit of the provisional patent application 60/113,276, and does not claim the priority to 09/312,922 application. Furthermore, its incorporation by reference is improper as noted above.

### ***Response to Amendment***

3. The previous grounds of rejection (paper no. 11, dated 26 march 2003) still apply, for the reasons set forth above.

### ***Claim Rejections - 35 USC § 112***

4. Claims 21 – 24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to

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reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Furthermore, applicants submit (paper no. 9, page 17, section E) that new claims 21 – 24 are the same as claims 28 – 31. However, there are no claims 28 – 31 in the application.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert et al. (US 5,047,853) in view of Brusewitz et al. (US 6,384,862).

Regarding claims 1 and 15, Hoffert '853 discloses compression and decompression of Digital video data (i.e. fig. 1, col. 1, lines 15+), selecting a code based on a number of bits from each pixel selected from pixels (i.e. fig. 2), run-length encoding repeated instances (i.e. fig. 10, 107), repeating steps until each pixel is encoded in an encoded data buffer (i.e. col. 12, lines 1+) and as for repeating steps, the digital video compression process (disclosed by Hoffert '853) is an iterative process of pixels, which meets the claimed limitations of repeating steps (b) and (c), and for streaming buffer is an inherent feature necessitated by the digital video processing for storing the digital video and transmitting.

Although, Hoffert '853 fails to explicitly teach Sub-sampling pixels from an image.

However, the above mention claimed limitations are well-known in the art as evidenced by Brusewitz '862, in particular (i.e. fig. 1, sub-sampler 20, col. 1, lines 41+) teaches sub-sampling image.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hoffert '853 as taught by Brusewitz '862 for customizing the images to the viewer's specifications (i.e. col. 1, lines 10+).

Regarding claims 2 - 3, combination teaching of Hoffert '853 and Brusewitz '862 Teaches setting and assigning temporal resolution rate of e.g.  $1/30^{\text{th}}$  of second (i.e. col. 6, lines 33+ of Hoffert '853), therefore it would have been obvious to reduce or increase the sub-sampling rate base on desired design, and as for image dimension, since the image dimension is related to sub-sampling rate, therefore it would have been obvious to assign a rate base on desired image dimension.

Regarding claims 4 and 5, combination of Hoffert '853 and Brusewitz '862 teaches number of bits is five (i.e. fig. 1 of Hoffert '853).

Regarding claims 6 and 7, combination of Hoffert '853 and Brusewitz '862 teaches series of buffer (i.e. fig. 1, 22 and 30 of fig. 1 of Brusewitz '862) and storage (i.e. fig. 1, storage 34).

Regarding claim 8, claim 8 is the decompression part of claim 1, and combination of Hoffert '853 and Brusewitz '862 teaches decompression (i.e. col. 2, lines 57+ of Hoffert '853), combining (i.e. fig. 15, Mux 149).

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Regarding claims 9 - 10, the limitations claimed are substantially similar to claims 2 - 3, therefore the grounds for rejecting claims 2 - 3 also apply here.

Regarding claims 11 - 12 and 20, the limitations claimed are substantially similar to claims 4 - 5, therefore the grounds for rejecting claims 4 - 5 also apply here.

Regarding claims 13 - 14 and 16, fig. 3, code tables 19, 23, 25, 29 and 33, and also fig. 2, are equivalent to encryption table only if the end user has the table.

Regarding claim 17 and 18, Note, having a storage medium or/and communications transmission channel as input/output device would have been obvious and well-known in the prior art of record.

Regarding claim 19, the limitations claimed are substantially similar to claims 8 and 15, therefore the grounds for rejecting claims 8 and 15 also apply here.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

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**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

11/19/2003

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600